

REMARKS

Claims 1-20 are pending in the present application. By this Response, claims 1-5 and 7-12 are amended and claims 13-20 are added. Claims 1, 2, 11 and 12 are amended to correct for improper use of multiple colons, lack of indentation and improper use of periods. Claims 3, 9 and 10 are amended for improper multiple dependency. Claims 13-20 are added in view of the objection to claim 10. Reconsideration of the claims in view of the above amendments and the following remarks is respectfully requested.

Amendments were made to the specification to correct errors and to clarify the specification. No new matter has been added by any of the amendments to the specification.

I. Allowable Subject Matter

Applicant thanks the Examiner for indicating claims 2-10 and 12 allowable. However, for the reasons stated hereafter, Applicant respectfully submits that all of the claims are directed to allowable subject matter and the application is in condition for allowance.

II. 35 U.S.C. § 112, Second Paragraph

The Office Action rejects claims 1-12 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter, which applicants regard as the invention. This rejection is respectfully traversed. Claims 1-5 and 7-12 are amended correct the narrative form and indefinite and functional or operative language. Therefore the rejection of claims 1-12 under 35 U.S.C. § 112, second paragraph has been overcome.

III. 35 U.S.C. § 103, Alleged Obviousness, Claims 1 and 11

The Office Action rejects claims 1 and 11 under 35 U.S.C. § 103 as being unpatentable over Cohen et al. (U.S. Patent No. 6,389,462) in view of Kayashima (U.S. Patent No. 6,195,366) in further in view of Crichton et al. (U.S. Patent No. 6,104,716). This rejection is respectfully traversed.

Applicant submits that Crichton fails to teach or suggest the features alleged in the Office Action. In addition, the Crichton patent and the instant application were, at the time of the invention was made, owned by, or subject to an obligation of assignment to the same person. 35 U.S.C. § 103(c) states:

(c) Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

The instant application was filed on or after November 29, 1999 and takes priority foreign application 99480100.09 filed October 21, 1999. The Crichton patent qualifies as prior art only under 35 U.S.C. § 102(e). And, the instant application and the Crichton patent were commonly owned or subject to an obligation of assignment to the same person at the time the invention was made. Therefore, the Crichton patent cannot be used in a 35 U.S.C. § 103 rejection to preclude patentability. As such, the rejection is improper and should be withdrawn.

In view of the above, Applicants respectfully submit that Cohen, Kayashima and Crichton, taken alone or in combination, teach or suggest the features of claims 1 and 11. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 1 and 11 under 35 U.S.C. § 103(a).

IV. Objection to Claims

The Office Action has stated that claims 2-10 and 12 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant respectfully submits that all of the claims are directed to allowable subject matter and the application is in condition for allowance.

V. Conclusion

It is respectfully urged that the subject application is patentable over the prior art of record and is now in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

Respectfully submitted,

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